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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,507	04/17/2006	Ossi Kalevo	879A.0109.U1(US)	6243
29683 7590 11/20/2009 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER CHU, RANDOLPH I	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 11/20/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,507	Applicant(s) KALEVO ET AL.	
	Examiner RANDOLPH CHU	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

2. In response to applicant's amendment received on 9/4/2009, all requested changes to the claims have been entered. New claims 12 has been entered.

Response to Argument

3. Applicant's arguments filed on 9/4/2009 have been fully considered but they are not persuasive.

Applicant's statement on page 9 of the response that the disclosure of Mutoh uses a fine scaler first (a high-order processing way) and a coarse scaler second.

The examiner disagrees. In example in paragraph 153 of Mutoh, it is magnification example of rate 8.4 and first way of scaler would be 8 and second scaler would be $8.4/8$ which is same as $84/80$. if it is size reduction rate of 8.4 then first way of scaler would be 8 and second scaler would be $8.4/8$ which is same as $84/80$.

Applicant's statement on page 9 of the response that according to embodiments of Applicant's invention, scaling is performed always in two stages.

But, disclosure of Mutoh does use 2 step when scaling rate is not integer.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2, 5, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Mutoh (US 2004/0057634).

With respect to claim 1, Mutoh teaches with use of a processor (Fig. 8)

determining an original digital matrix image to be scaled (Fig. 8, ref label 10)

selecting a scaling ratio R by setting integers X, Y, and Z, wherein the scaling ratio R corresponds approximately to an equation $Y/(Z \cdot X)$ and wherein $Y < Z$ (Fig. 17 ref label S72 and S73),

coarse scaling the original matrix by using a ratio $1/X$ to create pixels of an intermediate matrix (Fig. 17 ref label S72 and S73), and

fine scaling the intermediate matrix by using a ratio Y/Z to create a final matrix image (Fig. 17 ref label S74 and S75) (para [0150] – [0152]).

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With respect to claim 3, Mutoh teach that integer X is selected to be as great as possible, according to the integers maximums selected for Y and Z and the selected tscaling ratio R. (para. [0152]).

With respect to claim 5, Mutoh teach that $1/X$ is approximately Y/Z (para [0150] – [0152], scaling rate is close to 1, then $1/X$ is approximately Y/Z).

With respect to claim 6, please refer to rejection for claim 1.

With respect to claim 7, Mutoh teach in that the apparatus in integrated in connection with the image sensor of a camera (para. [0148]).

With respect to claim 12, please refer to rejection for claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Mutoh (US 2004/0057634) in view of Yamaguchi (US Patent 6,424,753)

Mutoh teaches all the limitations of claim 1 as applied above from which claim 2 respectively depend.

Mutoh does not teaches expressly that the second scaling is performed, after the first scaling, to the pixel group calculated for the intermediate matrix, without completing the calculation of the entire intermediate matrix.

Yamaguchi teaches parallel processing of scaling circuit (col. 11 lines 1-8).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to process scaling process in parallel in the method of Mutoh.

The suggestion/motivation for doing so would have been that it would speed up the processing.

Therefore, it would have been obvious to combine Yamaguchi with Mutoh to obtain the invention as specified in claim 2.

5. Claim 4 is rejected under 35 USC 103(a) as being unpatentable over Mutoh (US 2004/0057634) in view of Kamon (US Patent 4,827,433)

Mutoh teaches all the limitations of claim 1 as applied above from which claim 4 respectively depend.

Mutoh does not teaches expressly , in the first scaling the integer X is selected to be as great as possible as the power of two.

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Kamon teaches in the first scaling the integer X is selected to be as great as possible as the power of two. (col. 29 line 61- col. 30 line 7).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to process scaling process in power of two in the method of Mutoh.

The suggestion/motivation for doing so would have been that it would easier to calculate in power of two in computer calculation environment (binary).

Therefore, it would have been obvious to combine Kamon with Mutoh to obtain the invention as specified in claim 4.

6. Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Mutoh (US 2004/0057634) in view of Kim (US 2002/0060676)

Mutoh teaches all the limitations of claim 6 as applied above from which claim 8 respectively depend.

Mutoh does not teaches expressly that the coarse scaler is integrated in connection with the image sensor of a camera and the fine scaler is integrated in the host system..

Kim teaches that the scaler is integrated in connection with the image sensor of a camera and the host system. (Fig 3).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to connect scaler to sensor and host in the appartus of Mutoh.

The suggestion/motivation for doing so would have been that it would faster scaler with scaling image right out of sensor.

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Therefore, it would have been obvious to combine Kim with Mutoh to obtain the invention as specified in claim 8.

7. Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Mutoh (US 2004/0057634) in view of DiNicola et al (US Patent 5,394,524).

Mutoh teaches all the limitations of claim 9 as applied above from which claim 9 respectively depend.

Mutoh does not teaches expressly that a scaler unit, in which there are separate processors (CPUs) for the coarse and fine scalers.

DiNicola et al a scaler unit, in which there are separate processors (CPUs) for the coarse and fine scalers. (col. 2 lines 13-22).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to process scaling process in separate possessor in the method of Mutoh.

The suggestion/motivation for doing so would have been that it would speed up the processing.

Therefore, it would have been obvious to combine DiNicola et al with Mutoh to obtain the invention as specified in claim 9.

8. Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Mutoh (US 2004/0057634) in view of Najand (US Patent 7,203,379).

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Mutoh teaches all the limitations of claim 6 as applied above from which claim 10 respectively depend.

Mutoh does not teaches expressly the scaling function of at most 4 image-sensor lines for each colour component.

Najand teaches the scaling function of at most 4 image-sensor lines for each colour component. (col. 11 line 64-col. 12 line 11).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to scaling 4 line at a time in the appartus of Mutoh.

The suggestion/motivation for doing so would have been that it would adjust scaling filter depending on buffer size.

Therefore, it would have been obvious to combine Najand with Mutoh to obtain the invention as specified in claim 10.

9. Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Mutoh (US 2004/0057634) in view of Yang et al. (US 2002/0025084).

Mutoh teaches all the limitations of claim 11 as applied above from which claim 11 respectively depend.

Mutoh does not teaches expressly the apparatus is fitted to a mobile station.

Kim teaches the apparatus is fitted to a mobile station (abstract).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to connect scaler to mobile station in the appartus of Mutoh.

The suggestion/motivation for doing so would have been make portable image scaler.

Therefore, it would have been obvious to combine Kim with Mutoh to obtain the invention as specified in claim 11.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randolph Chu whose telephone number is 571-270-

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1145. The examiner can normally be reached on Monday to Thursday from 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on 571-272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RIC/

/VIKKRAM BALI/
Supervisory Patent Examiner, Art Unit 2624